

PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barbara Ensoli et al. Confirmation No.: 3028  
Serial No.: 10/577,974 Art Unit: 1648  
Filed: May 30, 2007 Examiner: Nicole Erin Kinsey White  
Customer No.: 21559  
Title: Use of Microparticles for Antigen Delivery

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned patent application on March 27, 2008, Applicants elect the invention of Group I, claims 1-9 and 11. Applicants further elect the species of microbial antigens and SEQ ID NO:4, the latter of which corresponds to the 86 amino acid shorter version of HIV-1 Tat protein from HTLV-III, BH10 CLONE, CLADE B.

The election is made with traverse, for the following reasons. The Examiner is arguing that the allegedly separate inventions do not share a general inventive concept, because their common subject matter lacks novelty in view of Laus et al., Journal of Controlled Release 72:225-309, 2001. Applicants respectfully disagree.

The common subject matter linking the allegedly separate inventions (as acknowledged by the Examiner in the Restriction Requirement) is a microparticle as defined in claim 1 having a disease-associated antigen attached to its surface. Such a microparticle is not disclosed in the